

DEPARTMENT OF EDUCATION

Notice Announcing Availability of Funds for the Emergency Assistance to Non-Public Schools (EANS) program under the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act)

**SUMMARY:** The Department of Education (Department) is issuing a notice announcing the availability of funds and the deadline to submit the Certification and Agreement for the EANS program under title III of the CRRSA Act, Catalog of Federal Domestic Assistance (CFDA) number 84.425R. This notice relates to the approved information collection under OMB control number 1810-0741. Hereinafter, the term "Certification and Agreement" will be used to refer to the application required in section 312(d)(2) of the CRRSA Act.

**DATES:** The deadline for transmittal of the Certification and Agreement is February 8, 2021. Each State's Certification and Agreement will be processed as it is received. The Department plans to make awards within one business day of receiving an approvable Certification and Agreement and funds will be awarded on a rolling basis.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6450. Email: [GEERF@ed.gov](mailto:GEERF@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The EANS program is a reservation of funds under the CRRSA Act to provide services or assistance to non-public schools. Under the EANS program, we will award grants by formula to each Governor with an approved Certification and Agreement to provide services or assistance to eligible non-public schools to address the impact that the Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on non-public school students and teachers in the State.

Under the CRRSA Act, a local educational agency (LEA) is not required to provide equitable services under the Supplemental Elementary and Secondary Education Relief Fund (ESSER II Fund) and the Governor's Emergency Education Relief (GEER II) Fund. However, an LEA is still required to provide equitable services under section 18005 of the Coronavirus Aid, Recovery, and Economic Security (CARES) Act from funds made available under the Elementary and

Secondary Education Relief (ESSER I) Fund and Governors  
Emergency Education Relief (GEER I) Fund.

Background: This notice announces the availability of funds and the Certification and Agreement deadline for Governors under the EANS program. The CRRSA Act, which was signed into law on December 27, 2020, provides \$2.75 billion for awards to Governors to provide services or assistance to eligible non-public elementary and secondary schools under the EANS program. The Governors of all 50 States and the Commonwealth of Puerto Rico, and the Mayor of the District of Columbia, are eligible for funding under the EANS program (references to Governors in this notice include the Mayor of the District of Columbia).

The Secretary will award EANS funds to each Governor who has an approved Certification and Agreement in accordance with section 312(d)(1)(B) of the CRRSA Act. By accepting an EANS award from the Department, a Governor designates the State educational agency (SEA) to administer the program. An SEA will be the payee or fiscal agent in the Department's grants management system (G5) for purposes of accessing Federal funds.

To receive services or assistance under the EANS program, an eligible non-public school must submit an

application to the SEA at such time, in such manner, and accompanied by such information as the SEA may reasonably require to ensure expedited and timely provision of services or assistance to the non-public school. An SEA must make the application for services or assistance available to non-public schools not later than 30 days after receiving EANS funds. The SEA is considered to be in receipt of the funds once the Governor receives an EANS award. For purposes of the EANS program, an eligible non-public school is an elementary or secondary school that (1) is non-profit; (2) is accredited, licensed, or otherwise operates in accordance with State law; (3) was in existence prior to March 13, 2020, the date the President declared the national emergency due to COVID-19; and (4) did not, and will not, apply for and receive a loan under the Small Business Administration's Paycheck Protection Program (15 U.S.C. 636(a)(37)) that is made on or after December 27, 2020.<sup>1</sup> An SEA must prioritize services or assistance to non-public schools that enroll low-income students and are most impacted by COVID-19.

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<sup>1</sup> Such assurance does not preclude a non-public school whose application is denied from subsequently applying for a Paycheck Protection Program loan consistent with applicable requirements and deadlines of that program.

A non-public school may apply to receive a variety of services or assistance from the SEA to address educational disruptions resulting from COVID-19. Services and assistance include, for example, supplies to sanitize, disinfect, and clean school facilities; personal protective equipment (PPE); training and professional development for staff on sanitation, PPE, and minimizing the spread of COVID-19; temporary physical barriers to facilitate social distancing; educational technology to assist students and teachers with remote or hybrid learning; and reimbursement of most allowable expenses incurred after March 13, 2020.

Control of funds for the services or assistance provided to a non-public school and title to materials, equipment, and property purchased with EANS funds must be in a public agency and a public agency must administer such funds, services, assistance, materials, equipment, and property. An SEA may provide services or assistance to non-public schools under the EANS program directly or through a contract with an individual, association, agency, or organization. For example, an SEA might enter into an agreement with an LEA or educational service agency to provide such services or assistance in order to leverage the existing infrastructure under other Federal education

programs that require equitable services. An SEA may also contract with another third-party individual, association, agency, or organization that is independent of the non-public school receiving services or assistance. All services or assistance provided with EANS funds must be secular, neutral, and non-ideological.

Congress intended the EANS program as emergency funding to address educational disruptions resulting from COVID-19; accordingly, the Department expects an SEA to process applications from non-public schools and obligate EANS funds to provide services or assistance in an expedited manner. The Department will provide additional guidance on the EANS program.

Program Authority: Section 312(d) of title III of the CRRSA Act, Pub. Law 116-260 (enacted December 27, 2020).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 76, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit

Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

## II. Award Information

Type of Award: Formula grants.

Available Funds: \$2,750,000,000.

Implementation Timeline: An SEA, as the agency designated to administer the EANS program, must make an application available to non-public schools no later than 30 days after receipt of the funds and approve or deny an application from a non-public school no later than 30 days after receiving it. The SEA must, to the extent practicable, obligate all available funds for services or assistance to non-public schools in the State in an expedited and timely manner, but not later than six months after receiving them. An SEA will be considered in receipt of the funds when the Department makes an award to the Governor. An SEA that complies with its responsibilities under the EANS program but has unobligated funds remaining six months after receiving those funds must return them to the Governor for any authorized use under the GEER II Fund.

## III. Eligibility Information

1. Eligible Applicants: The Governor of each of the 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia. By accepting an EANS award from the Department, a Governor designates the SEA to administer the EANS program and provide services or assistance to non-public schools.

#### IV. Submission Information

1. Certification and Agreement Submission

Instructions: The signed Certification and Agreement under this program must be submitted electronically in Portable Document Format (PDF) to the email address GEERF@ed.gov. The Certification and Agreement and related information can be found on the Department's website at <https://oese.ed.gov/offices/education-stabilization-fund/emergency-assist...n-public-schools/>

2. Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management: In general, to do business with the Department of Education, you must--

(a) Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

(b) Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

(c) Provide your DUNS number and TIN on your SAM application; and

(d) Maintain an active SAM registration with current information while your Certification and Agreement is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: [www2.ed.gov/fund/grant/apply/sam-faqs.html](http://www2.ed.gov/fund/grant/apply/sam-faqs.html).

#### V. Certification and Agreement Review Information

1. Assurances: Each Governor must provide an assurance that it will comply with all requirements that apply to EANS funds, including, but not limited to, assuring that the SEA will obligate all EANS funds for services or assistance to non-public schools in the State in compliance with statutory requirements.

#### VI. Award Administration Information

1. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the Certification and Agreement package and reference these and other requirements in the Applicable Regulations section of this notice. We reference the regulations outlining the terms and conditions of a grant in the Applicable Regulations section of this notice. The Grant Award Notification (GAN) also incorporates your approved Certification and Agreement as part of your binding commitments under the grant.

2. Reporting: (a) If you apply for a grant under this program, you must ensure that you have the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170.

(b) The State will comply with all reporting requirements at such time and in such manner and containing such information as the Secretary may reasonably require in the future. (See 2 CFR 200.327-200.329).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the Certification and Agreement package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the email address listed under FOR FURTHER INFORMATION CONTACT.

Dated:

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Frank T. Brogan,  
*Assistant Secretary for  
Elementary and Secondary  
Education.*